

HOUSE No. 865

By Mr. Vallee of Franklin, petition of James E. Vallee and others relative to the penalties imposed for certain bank robberies and the collection of fraudulent checks. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

James E. Vallee
Reed V. Hillman

Brian Paul Golden

In the Year Two Thousand and Five.

AN ACT RELATIVE TO BANK ROBBERIES AND COLLECTION OF FRAUDULENT CHECKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 40a of Chapter 93 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 adding after the last sentence in the first paragraph the following
4 new sentence:— Action taken under this section may be brought
5 before the court where either the plaintiff or defendant lives or has
6 a place of business or employment.

1 SECTION 2. Section 17 of Chapter 265 of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by
3 striking out said section and inserting in place thereof the
4 following new section: Whoever, being armed with a dangerous
5 weapon, assaults another and robs, steals or takes from his person
6 money or other property which may be the subject of larceny shall
7 be punished by imprisonment in the state prison for life or for any
8 term of years; provided, however, that any person who commits
9 any offense described herein while masked or disguised or while
10 having his features artificially distorted, shall, for the first offense
11 be sentenced to imprisonment for not less than five years and for
12 any subsequent offense for not less than ten years. Whoever com-

13 mits any offense described herein while armed with a firearm,
14 shotgun, rifle, machine gun or assault weapon or displays what
15 appears to be a firearm or other deadly weapon or inflict bodily
16 injury or commits a robbery within and against a banking institu-
17 tion as defined in section 1 of Chapter 167A or a credit union as
18 defined in section 1 of Chapter 171 shall be punished by impris-
19 onment in the state prison for not less than five years. Any person
20 who commits a subsequent offense while armed with a firearm,
21 shotgun, rifle, machine gun or assault weapon shall be punished
22 by imprisonment in the state prison for not less than 15 years.

1 SECTION 3. Section 19 of said chapter 265 of the General
2 Laws, as so appearing, is hereby amended by striking out subsec-
3 tion (b) and inserting in place thereof the following
4 subsection (b):— Whoever, not being armed with a dangerous
5 weapon, by force and violence, or by assault and putting in fear,
6 robs, steals or takes from the person of another, or from his imme-
7 diate control, money or other property which may be the subject
8 of larceny, including attempted robbery of a bank as defined in
9 section 1 of Chapter 167A or a credit union as defined in section 1
10 of Chapter 171 shall be punished by imprisonment in the state
11 prison for life or for any term of not less than 30 months.

1 SECTION 4. Section 30 of Chapter 266 of the General Laws,
2 as appearing in the 2002 Official Edition as most recently
3 amended, is further amended by adding to the end of para-
4 graph (1) the following new sentence:— If the larceny involved
5 monies received through the uttering of a forged, altered or coun-
6 terfeit check, draft or order for the payment of money from any
7 bank or other depository, action may be taken before either the
8 court having jurisdiction where the uttering took place or where
9 the payee bank or other depository's main office is located.

1 SECTION 5. Section 37 of said chapter 266 of the General
2 Laws, as so appearing, is hereby amended by adding the following
3 sentence to the end of said section:— Action taken under this
4 jurisdiction where the crime was committed or where the main
5 office of the bank or other depository are located.